AMO REPORTS 83-3

RESPONSE TO THE MINISTRY OF ENERGY DISCUSSION PAPER: WOOD HEAT INSPECTION/SAFETY PROGRAM FOR ONTARIO

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO
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ASSOCIATION OF MUNICIPALITIES OF ONTARIO

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The Association acts as the collective voice of Ontario's municipal governments and is organized to accomplish through cooperation and coordination, what the majority have neither the time nor the resources to do individually.

The Association represents some six hundred (600) municipal governments throughout Ontario. The governing body is composed of some eighty (80) municipal elected and appointed officials, who in turn represent a wide-range of municipal government interest.

The following sections and affiliated municipal professional associations form an important part of the Association's structure and therefore, play an important part in its activities in terms of the Board of Directors, program and policy development:

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* County and Regional Section
* Large Urban Section
* Northern Ontario Section (FONOM/NOMA)
* Rural (ROMA) Section
* Organization of Small Urban Municipalities Section

Association Affiliates:

* Association of Municipal Clerks and Treasurers of Ontario
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* Municipal Engineers Association
* Ontario Municipal Administrators Association
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* Ontario Municipal Social Services Association
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"AMO Reports 83-3" was presented to the Ministry of Energy's Residential Wood Heat Safety Task Force on December 20, 1983.

AMO RESPONSE TO THE MINISTRY OF ENERGY DISCUSSION PAPER: WOOD HEAT INSPECTION SAFETY PROGRAM IN ONTARIO

Since the late 1970's, the number of wood heating system installations has been growing. The introduction of the Canada Oil Substitution Program (COSP) in 1980, which encourages the conversion of home heating systems from oil to other energy sources, has further increased the number of conversions to wood. Concurrently, the proportion of fires involving wood-fired appliances as the source of ignition, expressed as a percentage of total house fires in Ontario, has doubled from 7% in 1976 to approximately 15% in 1980.

Although standards exist in both the Fire Code and in the Ontario Building Code, their enforcement, province-wide, is inconsistent. Furthermore, there is no reliable administrative mechanism in place to ensure that all new wood burning installations are inspected for conformance to these standards.

Thus, the Ministry of Energy is developing an administrative plan which, when implemented, will ensure the safe installation and operation of woodburning appliances and conformance to all provincial and municipal codes and regulations. As part of the consultation process, the Ministry distributed a discussion paper to all interested parties for their comments.

The following report has been prepared by the Small Urban Section (OSUM) of the Association of Municipalities of Ontario in response to the discussion paper of the Ministry of Energy with regard to inspection of wood heating installation in the Province of Ontario.

1. INTRODUCTION

As an overview it would appear that, having defined the general problem area, a significant amount of detailed work will have to be done once a general course of action is established. For example, despite the various references to this type of installation in both the Building Code and Fire Code, no clear set of definitions and specifications have been developed for all the various solid fuel heating systems available. Solid fuel heating systems include: free-standing, air-tight stoves, free-standing fireplaces, fireplace inserts, zero clearance fireplaces,

combination furnaces, furnace add-ons, standard fireplaces, and single-purpose, solid fuel furnaces. All of this does not even touch the issue of chimneys including manufactured metal chimneys, standard masonry chimneys and conversion or relining of old chimneys. Presumably, different standards for each type of installation are needed. For the purpose of this report the generic term "solid fuel heating installations" will be used.

Solid fuel heating installations can take place under three significantly different situations. The installation can be part of new construction, can be part of a major retrofit of an existing building requiring a building permit because of the seriousness of the changes to the building, or, can be part of a minor renovation not otherwise requiring a building permit. It is the position of the Association that, as a first step, the relevant legislation (hereinafter discussed) must be amended to provide that any installation of any form of solid fuel heating installation must be by permit.

The introduction of a permit system leads naturally to the question of the administration of that system. It is the position of AMO that the permit system for new installations should be enforced under the Ontario Building Code by municipal building inspectors. There is one fundamental reason for this preference of building inspectors over fire departments for carrying out this function. It would appear that significantly more municipalities in Ontario have full-time trained technical staff familar with the permit and inspection system and capable of carrying out those duties in their building departments than in their fire departments.

The proposal put forward here of integrating the wood heat inspection program with the Ontario Building Code also has the advantage of integrating the system into an already functioning administrative pattern. It allows for the requirement of a fee for the permit, satisfactory plans, inspection and approval of the installation before use and a penalty for failure to adhere to the procedure.

As an interim measure, the use of installation standards developed by manufacturers or approved equivalents may necessarily have to be adopted. Nevertheless, independently developed standards should be applied as quickly as possible. This is an issue of concern to several municipalities at the present time.

It is the position of the Association that, upon the implementation of this system, a widespread advertising campaign, sponsored by the Ministry of Energy, as to the necessity of obtaining permits for solid fuel heating installations and the safety reasons therefor should be instituted. In conjunction with this campaign, the Provincial Government should require "stickers" to be attached to new solid fuel heating appliances indicating that installations are subject to building permit regulation and that purchasers should check with their local building officials as to the requirements.

AMO realizes, however, that the above does not deal with solid fuel heating installations existing at the time of implementation of a permit system under the Building Code Act. The Association suggests that such existing installations be inspected on the request of the owners, or occupants, of the premises in which installations are situate.

It is AMO's position that municipalities should have the option of appointing whoever is deemed appropriate to administer the provisions of the Fire Code. Again, a widespread advertising campaign should be conducted where it is appropriate by the Provincial Government regarding the availability of the municipal inspection service.

No permit or fee would be required in such circumstances and no certification as to the adequacy of the installation would be given. Advice as to corrective measures where defects were found would be available and could be ordered under the terms of the Fire Code. Advice as to the necessity for a permit for such corrective measures could also be given.

2. RESPONSE TO MINISTRY OF ENERGY DISCUSSION PAPER: WOOD HEAT INSPECTION SAFETY PROGRAM FOR ONTARIO

In view of the above discussion AMO would make the following comments in regard to the Con-Serve Report's[1] recommendation as well as to the specific issues which were both raised in the Ministry of Energy's Discussion Paper: Wood Heat Inspection Safety Program in Ontario.[2]

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1 The Con-Service Report, prepared by the Con-Serve Group Ltd., June, 1981

2 Wood Heat Inspection Safety Program in Ontario, prepared by the Ontario Ministry of Energy, October, 1982.

2.1 Con-Serve Report Recommendations

Recommendation 1:

Each new wood stove installation for which a conversion assistance grant is filed under the Canadian Oil Substitution Program (COSP) should be subject to mandatory inspection to ensure that the installation complies with the manufacturer's installation specifications and the CSA installation code. There is to be a primary inspection of each appliance and secondary inspections of a randomly selected sample of installations.

AMO Response:

The Association believes that mandatory inspection of new solid fuel appliances should be required under the Ontario Building Code. Approval of the installation as a condition precedent to the payment of the Canada Oil Substitution Program (COSP) grant should be recommended to the Federal government. Random secondary inspections are not supported by the Association.

Recommendation 2:

Inspectors are to be given a training course to qualify them as "certified" inspectors. Primary inspections are to be carried out by members of the municipal fire departments and these departments should be given the authority (now a fact under the Fire Code), responsibility and budget increase to perform inspections. Other possible primary inspection organizations that should be considered are: building inspectors, insurance underwriters, and qualified chimney sweeps.

AMO Response:

AMO believes that training in solid fuel installation should be part of the training of municipal building inspectors and inspection officers of fire departments.

Recommendation 3:

The random secondary inspections should be carried out by staff of the Fuel Safety Branch of the Ministry of Consumer and Commercial Relations.

AMO Response:

The Association does not recommend that random secondary inspections be conducted.

Recommendation 4:

If a wood stove installation fails to pass an inspection, the homeowner should be permitted to request a second inspection. If the second inspection is not requested within 30 days, or the installation fails to pass the second inspection, the Fire Marshal should be notified.

AMO Response:

AMO does not support this recommendation. The mechanisms to deal with the failure to pass an inspection are already in place. Thus, failure to pass an inspection should be dealt with as is currently done under the Building Code for installations under permit and under the Fire Code for voluntary inspections.

The following issues were identified in the Discussion Paper prepared by the Ministry of Energy.

2.2 Ministry of Energy Issues to be Resolved

Issue 1:

In any given municipality, which work force is best equipped to carry out the inspections: the building department or the fire department? In the case of the building department, the expertise in inspecting the structural integrity of modifications to buildings is present, the

permit system is usually in place and can be adapted to ensure mandatory enforcement, and, some would argue, the inspection role is more suited to the usual day-to-day task of the department.

In the case of the fire department, some would argue that the fire department has a higher credibility in the community in respect of fire prevention issues. The fire department theoretically has more powers of enforcement under the Fire Marshals Act. In particular, under section 18a (5) of the Fire Marshals Act, a fine of up to $2,000.00 may be assessed for the contravention of any provision of the Fire Code. Furthermore, under section 18a (4) of the Fire Marshals Act, the Fire Code supersedes all municipal by-laws respecting fire safety standards for buildings and other structures. On the other hand, it is questionable whether fire prevention officers have the time to perform these detailed inspections, even if they were trained to do so, considering their other duties such as regular inspection of nursing homes, hospitals and schools etc.

AMO Response:

The Association recommends that building departments should be given the responsibility for inspections under permit, and that the fire or building department, depending on the preference of the individual municipality, be responsible for conducting voluntary inspections. Equal penalties are available under both Acts. Furthermore, it should be noted that possible conflicts between the Fire Code and Building Code and the enforcement thereof have been raised with officials of the Solicitor General's and Fire Marshall's offices. Assurances have been given that the provisions of the Fire Marshals' Amendment Act, 1981, prevent any such conflict.

Issue 2:

How would a mandatory system of installation inspections be enforced? For example, when trained inspectors are available in all communities, arrangements could be made with the Federal Government to make it a condition of a

COSP grant that the installation be approved before grant monies are released to the homeowner. A building permit system could be considerably modified to require all vendors of wood stoves (including non-speciality stores) to submit notification of particulars of the purchaser, such as address, date of purchase, type of appliance, to a central authority such as the Fire Marshals Office. The central authority would then notify the appropriate inspection agency that an inspection must be done.

AMO Response:

AMO does not support any requirement of vendors of solid fuel appliances reporting sales. The Association believes that such a system is unworkable. The normal building permit system supported by advertising and the suggested COSP grant requirement system should be sufficient.

Issue 3:

How should an inspector training program be delivered? Should the program be delivered at decentralised locations such as community colleges, or should the facilities of, for example, the Fire College be used? Would municipalities contribute to the cost of upgrading the expertise of their inspectors in such training courses which could take from three to five days to complete?

AMO Response:

AMO recommends that inspector training programs for installations under permit be delivered on a decentralized basis in conjunction with the existing training programs for municipal building officials. This position is put forward with full knowledge that upgrading of such training programs, as presently constituted, is also a necessity. Inspector training for fire department officials should be implemented on a decentralised basis similar to the various training programs currently conducted. The costs of all training would be included as normal components of municipal budgets.

Issue 4:

How should the problem of overlapping jurisdictions of the Building Code and the Fire Code be resolved? At present, there are conflicting requirements in the codes as to shielding, clearances, etc.

AMO Response:

The Association believes that common standards should be established under both codes with the Building Code Branch acting as the lead agency in their formulation. Any problem of overlapping jurisdictions has purportedly been dealt with in the Fire Marshals' Amendment Act, 1981.

Issue 5:

How should existing installations of wood stoves be inspected? Existing installations would not be caught in a new system depending upon vendors notifying a central authority. However, existing installations pose just as much of a fire hazard as do new installations. Furthermore, should consideration be given to periodic follow-up inspections by fire prevention officials to check for proper maintenance procedures by homeowners?

AMO Response:

AMO recommends that a voluntary system of inspecting existing installations be available and that extensive advertising of this service be provided accordingly.

Issue 6:

Can or should the insurance companies play a role by requiring that inspections of installation be done before insurance is continued?

AMO Response:

The Association recommends that the Province initiate discussions directly with the insurance industry to examine the role of insurance companies in ensuring the inspection of installations.

Issue 7:

How should inspections be carried out in sparsely-populated rural areas which do not have adequate staff in building departments, or have only volunteer fire departments? Furthermore, how should inspections be carried out in unincorporated areas that do not have any municipal structure?

AMO Response:

AMO recommends that the inspection load be divided so that the inspections of new installations subject to permit will be conducted by building officials and the inspections of pre-existing installations will be done on a voluntary basis by fire officials. This procedure will result in less impact on the staff than if either set of staff were assigned both tasks. However, AMO realizes that this division of responsibility may not always be possible or convenient; thus the decision to do so should be at the descretion of the municipality.

3. SUMMARY OF RECOMMENDATIONS

1. That all relevant legislation be amended to provide that any installation of any form of solid fuel heating installation be by permit.

2. That the permit and inspection system for new installations be enforced under the Ontario Building Code by municipal building inspectors.

3. That existing installations be subject to inspection by fire department officials or building officials depending on the preferences of the municipality and, further, that such inspections be conducted on the request of the owners or occupants of the premises in which the installations are situate.

4. That the Federal Government require an approval of the installation as a condition precedent to the payment of a grant under the Canada Oil Substitution Program (COSP).

5. That random secondary inspections of installations not be required.

6. That the existing mechanisms and penalties which are already in place to deal with the failure to pass an inspection be applied to solid fuel heating installations which do not pass inspection.

7. That inspection training programs for installations under permit be conducted on a decentralized basis in conjunction with the existing training programs for municipal building officials and that inspector training for fire department officials be implemented on a decentralized basis similar to the various training programs currently conducted.

8. That the strain on the workload of staff in sparsely-populated rural municipalities be alleviated by dividing the inspection workload between building officals for new installations and fire department officials for existing installations, where deemed appropriate by the municipality.

9. That common standards be established under both the Building Code and the Fire Code, with the Building Code Branch of the Ministry of Consumer and Commercial Relations (now the responsibility of the Ministry of Municipal Affairs and Housing) acting as the lead agency in their formulation.

10. That the Provincial Government initiate discussions directly with the insurance industry to examine the role of insurance companies in ensuring the inspection of installations.

11. That vendors of solid fuel appliances not be required to report sales to a central agency.

12. That the Province implement an extensive advertising campaign as to the necessity of obtaining permits for solid fuel heating installations and the safety reasons therefor, as well as to the availability of an inspection service upon request for existing installations.

Minority Report of
The Small Urban (OSUM) Section

The Small Urban (OSUM) Section of AMO prepared this report on wood heat inspection safety and it was adopted by this Section with the following recommendations.

3. That existing installations be subject to inspection by fire department officials on the request of the owners or occupants of the premises in which the installations are situate.

7. That inspection training programs for installations under permit be carried out in conjunction with current training programs for municipal building officials and that inspector training for fire department officials be implemented on a decentralized basis similar to the various training programs currently conducted.

10. That the Province initiate discussions directly with the insurance industry to examine the feasibility of insurance companies playing a role in the inspection of installations.

All other recommendations were endorsed as they appear in the report.

The Report was amended by the Executive Committee of AMO to reflect the Association's existing policy regarding the administration of the Fire Code, which states that municipalities should have the option of appointing whoever is deemed appropriate by the municipality to enforce the provisions of the Fire Code.

Minority Report of
The Rural (ROMA) Section

The Rural Section Executive Committee is concerned that the Ministry might attempt to put in place an inspection system that would require a costly increase in Ministry staff requirements. However, the Section Executive Committee wishes to submit the following points for your further consideration:

- It is viewed as a most difficult task to have to put in place an affordable inspection system that would suffice in rural Ontario with the many varied and scattered users.

- A more intensive educational program may be beneficial.

- A closer monitoring of the method of manufacturing the appliance, the stove pipes particularily and the prefabricated chimneys, to assure high quality, could be beneficial. More fires probably originate from the pipes than any other part of the complete unit with chimneys probably a close second.

- It seems that the installation methods may not create as great a hazard as improper maintenance and operation. More experimentation on the causes of tar build-up in air-tight stoves, and particularily the pipes and chimneys, and publication of the results could be most beneficial. It seems as if the problem is more related to the air-tight models than the older types of stoves.

- A voluntary inspection service may be beneficial if each municipality had a person, fireman, building inspector or other, knowledgeable in safe installation methods and operation and available to offer advice to a new or old user of such appliances.

- In many rural municipalities, no department, that is either the fire department or the building inspection department, would be superior to the other in carrying out an inspection service for wood stoves installations. It would be a matter of educating a volunteer from either of the above or from other sources, to perform the function. It is doubtful, however, if a sophisticated Provincial inspection service is the answer.

- The one party subjected to considerable monetary loss due to a fire is the insurer.

- The insurance company could request an inspection, in order to have covered, those buildings in which wood burning devices are used.

- In this respect, it may be worthwhile to advise homeowners, presently using wood stoves, to contact their insurance agents to assure themselves there are no exclusions in their insurance policies that would leave them without coverage in case of loss.

Minority Report of
The Northern Ontario Section

The Northern Ontario Section's response to the recommendations in the Con-Serve Report and to the issues raised by the Ontario Ministry of Energy concurred, in general, with the recommendations provided in the Small Urban Section's report.

There was a difference in response to only two of the Ministry of Energy issues raised. They are as follows:

Issue I: Which work force, the building department or the fire department, should have the responsibility to carry out inspections.

Response: The Northern Ontario Section's response indicated that there was a variety of opinions amongst northern municipalities as to which department should have this responsibility. Some municipalities believed that the building department should conduct the inspections, whereas other municipalities stated that the fire department should have this responsibility. Furthermore, in some municipalities, the fire official and the building inspector is one and the same person; thus, both "departments" could be considered to be responsible for carrying out inspections.

Issue 7: How should inspections be carried out in sparsely populated rural areas and unincorporated areas?

Response: The Northern Ontario Section suggested three proposals to deal with this problem. One proposal was to have the inspection service provided by a senior, larger municipality within the area. This municipality would be reimbursed for its services by a grant system.

Another proposal was to have the insurance agents play a role in this situation, by requiring certified inspections to be conducted and by co-ordinating such services when they are not available locally.

The third proposal was to have the retailer report the sale of space wood heaters to a provincial ministry, such as the Ministry of Energy, on a monthly basis. The Ministry would then send an inspector to inspect the installations. This is similar to a service provided by Ontario Hydro.

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